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| APPLICATION NO. | FILING DATE | FIRST NAMED INVENTOR | ATTORNEY DOCKET NO. | CONFIRMATION NO. |
|-----------------|-------------|----------------------|---------------------|------------------|
| 10/050,219      | 01/14/2002  | Rangarajan Sundar    | P905 US             | 6395             |

28390 7590 06/29/2005  
MEDTRONIC VASCULAR, INC.  
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SANTA ROSA, CA 95403

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| EXAMINER |
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CHEN, BRET P

| ART UNIT | PAPER NUMBER |
|----------|--------------|
| 1762     |              |

DATE MAILED: 06/29/2005

Please find below and/or attached an Office communication concerning this application or proceeding.

**Office Action Summary**

Application No.

10/050,219

Applicant(s)

SUNDAR, RANGARAJAN

Examiner

B. Chen

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

**Period for Reply**

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

**Status**

- 1) ☐ Responsive to communication(s) filed on \_\_\_\_.
- 2a) ☒ This action is **FINAL**. 2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

**Disposition of Claims**

- 4) ☒ Claim(s) 17-28 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_ is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 17-28 is/are rejected.
- 7) ☐ Claim(s) \_\_\_\_ is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_ are subject to restriction and/or election requirement.

**Application Papers**

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on \_\_\_\_ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

**Priority under 35 U.S.C. § 119**

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some \* c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
  2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_.
  3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\* See the attached detailed Office action for a list of the certified copies not received.

**Attachment(s)**

- |  |   |
|--|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892)  | 4) <input type="checkbox"/> Interview Summary (PTO-413)<br>Paper No(s)/Mail Date. ____. |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948)                                   | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152)             |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)<br>Paper No(s)/Mail Date ____. | 6) <input type="checkbox"/> Other: ____.  |

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### **DETAILED ACTION**

Claims 17-28 are pending in this application. There are no amendments to the claims.

Claims 1-16 and 29-30 have been withdrawn from consideration as being directed to a nonelected invention.

The amendments dated 2/23/05 and 4/4/05 has been entered and considered. The examiner appreciates the amendments to the abstract and title. In view of said amendments, the objections have been withdrawn.

### ***Claim Rejections - 35 USC § 103***

The text of those sections of Title 35, U.S. Code not included in this action can be found in a prior Office action.

**Claims 17-28 are rejected under 35 U.S.C. 103(a) as being unpatentable over Ding et al. (6,284,305) or Hossainy (6,555,157) for the reasons listed in the previous office action.**

**Claims 17-28 are rejected under 35 U.S.C. 103(a) as being unpatentable over Hossainy (6,555,157) in view of Ding et al. (6,284,305) for the reasons listed in the previous office action.**

### ***Response to Arguments***

Applicant's arguments filed 2/23/05 have been fully considered but they are not persuasive.

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Applicant first argues that Ding fails to teach dipping while rotating a stent and that there is no relationship between rotating during spraying and rotating during dipping (p.7 5<sup>th</sup> paragraph).

The examiner agrees in part. While the examiner has previously admitted that Ding fails to explicitly teach of rotating a stent while dipping, the examiner disagrees that there is no relationship between rotating during spraying and rotating during dipping. It is first noted that the reference clearly teaches that the coating can be applied by dipping or spraying. Applicant has not rebutted same. The reference also clearly teaches that the purpose of rotation is to modify the structure layer including film thickness. The same occurs for spraying and dipping. Applicant has not provided any factual evidence stating that there is no relationship between rotating during spraying and rotating during dipping.

Applicant next argues that Hossainy fails to teach rotating during immersion and withdrawal as well as rotating around a longitudinal axis of the stent (p.7 6<sup>th</sup> paragraph).

The examiner agrees in part. While Hossainy does not explicitly teach rotating during immersion, the reference clearly teaches that immersion and spraying a coating on a stent is conventional (col.2 line 44, col.3 lines 7 and 39, col.7 line 26, col.10 line 23). The reference clearly teaches that there are advantages of spraying over immersion such as a more controllable, even coating but also has disadvantages of spraying including the inefficient use of coating substances (col.3 lines 4-25). To produce superior coating uniformity without an excessive loss of materials, Hossainy utilizes a centrifugal system in which an implantable device is rotated around an axis or rotation while coating (col.3 lines 27-45). It is the examiner's position that one

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skilled in the art reading Hossainy would realize the advantage of utilizing a centrifuge system to rotate a stent during coating and that the coating process can include immersion.

With respect to the longitudinal axis, it is noted that nowhere in the instant claims is there any mention of a longitudinal axis. Hence, the applicant's arguments are not commensurate in scope with the instant claims as presently written.

Applicant next argues that the combination of references do not teach the applicant's invention and relies on the individual references not teaching the claimed invention (paragraph bridging pp.7-8).

The examiner disagrees. The individual references have been addressed above. Furthermore, pointing out the differences between the reference and each individual reference is not sufficient to overcome a rejection based on a combination of the references. One cannot show non-obviousness by attacking references individually where the rejections are based on combinations of references.

Applicant's arguments have been considered but are not deemed persuasive.

**THIS ACTION IS MADE FINAL.** Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire **THREE MONTHS** from the mailing date of this action. In the event a first reply is filed within **TWO MONTHS** of the mailing date of this final action and the advisory action is not mailed until after the end of the **THREE-MONTH** shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37

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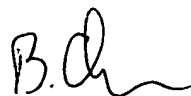
CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the mailing date of this final action.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to B. Chen whose telephone number is (571) 272-1417. The examiner can normally be reached on 7:30am - 4:00pm.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Timothy Meeks can be reached on (571) 272-1423. The fax phone number for the organization where this application or proceeding is assigned is 703-872-9306.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

Bc  
6/24/05



**BRET CHEN**  
**PRIMARY EXAMINER**